

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FATEMAH AZIZIAN, et al.,

No. C 03-3359 SBA

Plaintiffs.

CLASS ACTION

v.

ORDER

FEDERATED DEPARTMENT STORES, et al.,

[Docket Nos. 661, 662]

Defendants.

This matter comes before the Court on the Coordinated Objectors' Motion for Enlargement of Time [Docket No. 661] and the Coordinated Objectors' Motion for Leave to File Reply to Class Plaintiffs' Response [Docket No. 662]. The Motion for Enlargement of Time and the Motion for Leave to File Reply are both directed toward the Court's Order dated June 5, 2006, which noted that the Coordinated Objectors' Objections to the Special Master's May 18, 2006 Report and Recommendation were untimely. The Coordinated Objectors are correct that the Court's April 10, 2006 Order did not make clear whether the Court intended for holidays and weekends to be included in the ten-day deadline for filing objections to the Special Master's Report and Recommendations. As such, the Court finds that the Coordinated Objectors' decision to file their Objections on June 1, 2006, rather than May 28, 2006, was due to excusable neglect. Due to the ambiguity that was created by the discrepancy between the Court's April 10, 2006 Order and Federal Rule of Civil Procedure 6, the Coordinated Objectors' Objections will be considered by the Court.

Accordingly,

IT IS HEREBY ORDERED THAT the Motion for Enlargement of Time [Docket No. 661] and the Motion for Leave to File Reply [Docket No. 662] are DENIED AS MOOT. The Coordinated Objectors' Objections [Docket No. 656] and Plaintiffs' Response [Docket No. 659] are hereby taken

1 under submission. No further briefing on this issue is authorized without leave of Court.

2 IT IS FURTHER ORDERED THAT the April 10, 2006 Order is AMENDED to clarify that, with
3 respect to any future reports submitted by the Special Master, the parties are to file objections within
4 ten (10) days of the report, with weekends and holidays excluded from the computation, as provided by
5 Federal Rule of Civil Procedure 6.

6 IT IS SO ORDERED.

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8 Dated: 6/12/06


SAUNDRA BROWN ARMSTRONG
United States District Judge